IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

NORFOLK SOUTHERN RALWAY COMPANY,	
Plaintiff,	Civil Action No. 2:12cv025
v.	
VIRGINIA FUEL CORP.,	By: Michael F. Urbanski United States District Judge
Defendant.	

ORDER

Before the court is plaintiff's **Notice of Voluntary Dismissal of Action (Dkt. # 4)**, filed on September 17, 2012. Plaintiff requests that the above-captioned matter be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), which provides that a plaintiff may voluntarily dismiss a civil action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment " In this case, defendant has not filed an answer or a motion for summary judgment. Accordingly, **IT IS ORDERED** that the above-captioned matter is **DISMISSED WITHOUT PREJUDICE** and will be stricken from the active docket of the court.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record.

Entered: October 1, 2012

(s/ Michael F. Urbanski

Michael F. Urbanski United States District Judge